

**GOVERNMENT OF ANDHRA PRADESH**  
**ABSTRACT**

Tribal Welfare Department – CV - Appeal Petition filed by Sri. K.Shyam S/o Late Lakshmi Kanth R/o Allam Torabi, Begumpet, Balanagar (M), R.R.District, filed Under Section 7 of Act 16 of 1993, against the Proceedings dated: 8-3-2004 of the District Collector, Ranga Reddy District - Appeal Rejected – Orders –Issued.

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**SOCIAL WELFARE (CV.2) DEPARTMENT**

G.O.Ms.No.106

Dated:9-6-2008.

Read the following:-

- 1.Proceedings of the Collector, Ranga Reddy District, Rc.C2/2887/01, Dated: 8-3-2004.
- 2.Appeal Petition filed by Sri. K.Shyam S/o Late Lakshmi Kanth R/o Allam Torabi, Begumpet, Balanagar (M), R.R.District, through his advocate, dated:20-8-2004.
- 3.Govt. Memo No.8508/CV.2/2004-2, Dated: 18.11.2004.
- 4.From the District Collector, Ranga Reddy District, Lr.No.C2/2887/2001, dated 15.4.2008.
- 5.Govt. Lr. No.8508/CV.2/2004, SW (CV.2)Dept.,Dated: 3-5-2008.

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**ORDER:**

Sri. K.Shyam S/o Late Lakshmi Kanth, has filed appeal petition before Govt. against the Proceedings, dated 8.3.2004, issued by the District Collector, Ranga Reddy, for cancellation of his ST “Yanadi ” Caste Certificate, and submitted following grounds:

1. The scrutiny committee failed comply with the statutory requirement contemplated under Rule 9(3) (4) and (5) of the A.P. SCs, STs and BCs of issue of Community, Nativity and Date of Birth Certificates Rules, 1997 inasmuch as upon the reference of the matter to the scrutiny committee by the respondent, the scrutiny committee shall cause enquiry by the protection Civil Right /Vigilance Cell, which in turn has to get the matter investigated through the Inspector or police of the local place of residence of the appellant.
2. Only one report of the Revenue Department is available with the respondent basing on which the appellant's social status certificate is cancelled. No report is called for from the Protection of Civil Right/Vigilance Cell as required under Sub-Rule (3) and from the Expert or Officer of the Research Organisation of Commissionrate of SW/TW Dept and therefore, the impugned proceedings are unsustainable in law.
3. The scrutiny committee has relied on the RDO., Chevella Division in letter No.A/1483/2001, dated:23-1-2003 and inspite of the request made by the appellant in his letter dated:29-1-2004, for the supply of a copy of the same, the respondent passed the impugned order without furnishing the same. The appellant is handicapped in defending his case.
4. That the respondent and the scrutiny committee failed to consider the voluminous documentary evidence filed by the appellant / scrutiny committee. Surprisingly the scrutiny committee has not referred to any of the documents filed by the appellant, which shows total non-application of mind by the scrutiny committee. Even the respondents failed to consider the said evidence inspite of the specific objection taken by the appellant in his representation dated: 29-1-2004.

5. That as of now the evidence on record shows that the appellant's father belongs to Yanadi community, that he hails from Kurnool town originally and that after the death of the father of the appellant, the appellant family migrated to Hyderabad. Further two crucial witnesses namely Sri.Tupalula Pottaiah and Sri. Vetagiri Gopaiah, who are none other than the close relatives of the appellant have categorically stated through the notarized affidavits that the appellant's father belongs to Yanadi community and that he married the Padmashali lady. Unfortunately the evidence placed by the appellant was not considered by the scrutiny committee nor the respondents.

2) Govt. have obtained the records from District Collector, Ranga Reddy District, vide letter 4<sup>th</sup> read above.

3) The case was posted for personal hearing on 9.5.2008. On 9.5.2008 the appellant was absent and the Counsel for appellant was present and argued the case. But no documentary evidence has field before appellate authority. The case has been heard on 9.5.2008. On careful examination of the contentions raised in the appeal filed by appellant along with grounds of the appeal, as well the Proceedings of the District Collector, Ranga Reddy District and findings of DLSC. Ranga Reddy District and material available on filed, it is found that;

1. The appellant is claiming ST status as belonging to Yanadi community stating that his father belongs to Yanadi and admitting that his mother belongs to Padmasali Caste (BC).
2. The RDO., Chevella by enquiring with neighbours of the appellant reported that the appellant belongs to Padmasali caste (Salollu). In addition to that there is evidence that in the educational records of the appellants son his caste is recorded as Padmasali (BC). Basing on these two points the District Collector, Ranga Reddy has cancelled the caste certificate of the appellant.
3. The appellant contends that the evidences produced by him i.e Affidavit statements of his mother, his said to be relatives and the copies of certificates issued by (1) M.L.A., (2) Editor, TCR &TI, TW Dept., Hyderabad and (3) Honorary 1<sup>st</sup> class Magistrate, Government of A.P., Hyderabad, were not considered by the DLSC./ Dist.Collector. On verification of these documents it is clear that:-
  - a. In the affidavit statements of his said to be relatives it is mentioned that the father of the appellant is Tiruvedula Laxmikantham. But in all the records, the appellant's father's name is K. Lakshmikantha Rao (K stands for Kandagatla which is the surname of the appellant's mother who belongs to Sale or Padmasali caste).
  - b. Though it is stated that the appellant's father was related to the said to be relatives who gave affidavits, the relationship is not mentioned. Therefore, it is found that the appellant had obtained these affidavits only to support his claim as the persons giving these affidavits might be of Yanadi community.
  - c. The appellant could not produce any evidence (documentary)on the ST Yanadi status of his father.
  - d. Even if it is considered without canceled that his father belongs to Yanadi community, as his mother admittedly belongs to Padmasali caste, even then the appellant could not be treated as belonging to Yanadi community, because he failed to produce any evidence to treat him as ST as an offspring of inter-caste married couple where one of the spouses is a tribal (as per the Government of India, Ministry of Home Affairs circulars No.39387/73-SCT-1,dated:21-5-1977).

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- e. Though copies of original caste certificates of the appellant are not available, the true copies attested (one attested without verifying the original), it is found that these certificates were issued without knowing the case of the appellant and background of his family.
- f. Recording of Padmasali caste in the TCs. of Sri.M.Madhusudhan the appellant's son, issued by the Head Mistress, Raja Jitender Public School, Begumpet, Hyderabad and the Principal, Sree Nagarjuna Jr.College, Srinivasa Nagar Colony, Hyderabad clearly shows that the appellant belongs to Padmasali caste (BC-B group) but not to Yanadi (ST).

Hence, it is clear that the appeal petition is devoid of merits.

4) In view of the above facts, and in exercise of the powers conferred under Section 7(2) of Act 16 of 1993, under Rules made there under as per G.O.Ms.No.58, SW (J)Department, dated 12.5.1997, the appeal petition filed by Sri. K.Shyam S/o Late Lakshimi Kanth, is rejected, duly upholding the Proceedings of the District Collector, Ranga Reddy District, No. Rc.C2/2887/01, Dated: 8-3-2004.

5) The records received from the District Collector, Ranga Reddy District, through the reference 4<sup>th</sup> read above, are returned herewith in original to him, and he is requested to acknowledge receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V.NAGI REDDY,  
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Collector, Ranga Reddy District (WE). Original Record  
file bearing C2/2887/01, containing pages CF.224 & NF.12.

Sri. K. Shyam, S/o late Lakshmi Kanth Rao,  
R/o 1-10-125/80,  
Allam Torabi,Begumpet, Balanagar (M),  
Ranga Reddy District.

M/s D.V.Nagarjuna Babu, Advocate,  
69/3 RT, Vijayanagar Colony, Hyderabad.

Copy to:

The PS to Minister (TW & RIAD)/ PS to Prl.Secretary(TW)

The Dy.Genl.Manager (P&A), ECIL Ltd.,  
ECIL (Post, Hyderabad-62.

The Director of Tribal Welfare, Hyderabad.

The GP(SW), APHC., Hyderabad.

(with a request to apprise the above position to the APHC., Hyderabad,  
in W.P.MP No. 8849 of 2008 in W.P.No. 19002 of 2007, dated  
15.4.2008.)

//Forwarded::By Order//

SECTION OFFICER